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*Attorneys for Prioritized Defendant  
Facebook, Inc., and Non-Prioritized  
Defendants Mark Zuckerberg, and Sheryl  
Sandberg*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**DECLARATION OF JOSHUA S.  
LIPSHUTZ IN SUPPORT OF  
DEFENDANT FACEBOOK, INC.'S  
ADMINISTRATIVE MOTION  
PURSUANT TO CIVIL LOCAL RULE 3-12  
TO CONSIDER WHETHER CASES  
SHOULD BE RELATED**

**DECLARATION OF JOSHUA S. LIPSHUTZ**

I, Joshua S. Lipshutz, declare as follows:

1. I am a partner at the law firm Gibson, Dunn & Crutcher LLP, counsel for Facebook, Inc. (“Facebook”) in this action. Unless otherwise indicated, the facts set forth in this declaration are based on my personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. I submit this declaration in support of Defendant Facebook, Inc.’s Administrative Motion to Consider Whether Cases Should be Related.

3. On August 7, 2019, an action captioned *Zimmerman v. Facebook, Inc.*, No. 3:19-cv-04591-WHO was filed in this District. The *Zimmerman* plaintiffs’ complaint is based on substantially similar factual allegations and legal causes of action and seeks substantially similar relief as the First Amended Complaint in *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, No. 3:18-md-02843 (the “MDL”), currently pending before this Court.

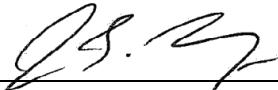
4. Attached hereto as **Exhibit 1** is a true and correct copy of the complaint in *Zimmerman*.

5. On September 11, 2019, Paven Malholtra of Keker, Van Nest & Peters LLP, who also serves as counsel for Facebook, conferred via email and telephone with Robert Zimmerman, pro se plaintiff in *Zimmerman*, and informed him that we represent Facebook, and that because the MDL and *Zimmerman* overlap as to the underlying factual and legal issues, Facebook is obligated to by the Northern District’s Civil Local Rules to bring a motion to consider whether the matters are related.

6. Mr. Zimmerman stated that he would oppose the motion to relate.

7. I have conferred with the MDL plaintiffs’ counsel, Lesley E. Weaver, regarding moving to relate the two actions. MDL plaintiffs’ counsel stated that the MDL plaintiffs do not oppose and would not file an objection to this motion.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, District of Columbia, on this 23rd day of September, 2019

By:   
Joshua S. Lipshutz